

UNITED STATES DISTRICT COURT
DISTRICT OF NEW JERSEY

PAUL KURLANSKY, HELAINE KURLANSKY,
MARTIN EPSTEIN, HERBERT ENNIS, JUDITH
ENNIS, MORDECAI APPLETON, HENRY KATZ,
LILA KATZ, JOAN KATZ, GLENN KATZ, and
JUDITH SINGER,

Plaintiffs,

-against-

1530 OWNERS CORP.; MOE MARSHALL,
ELLEN GERBER, KENNETH LIPKE, CAROL
LICHTBRAUN, JUSTIN WIMPFHEIMER,
PATRICIA DI CONSTANZO, and MARK
O'NEILL, Individually and as Members of the Board
of Directors of 1530 Owners Corp., and;
FIRSTSERVICE RESIDENTIAL,
Defendants.

**DECLARATION OF SAMUEL JOFFE PURSUANT TO 28 U.S.C. § 1746
IN SUPPORT OF PLAINTIFFS' MOTION FOR A PRELIMINARY INJUNCTION**

I, Samuel Joffe, hereby declare under penalty of perjury:

1. I am a resident of the Colony in Fort Lee, New Jersey, where I have been living with my wife, Susan Joffe since June 2019.

2. I am familiar with the fact that the Colony's service elevators are equipped with a Sabbath mode that allows the elevators to be pre-programmed to stop at certain floors, obviating the need for any button pushing. The Colony's Sabbath elevator program was approved by a majority of the Colony's shareholders on May 19, 2019, but was then terminated by the Colony's board of directors. During the period of time in which the Sabbath Elevator was operational, my wife and I used it weekly. I am also familiar with the Colony's longstanding practice, in the absence of a Sabbath elevator, of assisting observant Jewish residents with the elevators on the

Sabbath and certain Jewish holidays by pressing buttons for the residents—a service that I and my wife likewise utilized, but which has now also been scuttled. As such, I am familiar with the facts and circumstances set forth herein. I submit this Declaration in support of Plaintiffs’ Application for Preliminary Injunction.

3. Like the Plaintiffs in this case, I am an observant Jew and my religious beliefs are informed by thousands of years of Jewish tradition. I hold a sincere religious belief in the primacy of *halakha*, or the Jewish legal system, which establishes a framework for my entire life. A second core element of my beliefs is *kehillah*, or community, and the importance of joining together with members of my community to pray, study, and worship, to mourn as a group during sad times and to celebrate in times of joy.

4. A core part of my adherence to Jewish law is my observance of the Sabbath, the Jewish day of rest, which spans from Friday evening until Saturday night. On the Sabbath, and certain Jewish holidays, many observant Jews refrain from certain activities, including the use of electronic and certain mechanical devices. For example, many observant Jews, including myself, do not press elevator buttons on the Sabbath and certain Jewish holidays. Doing so would violate my sincerely held religious beliefs.

5. On March 22, 2021, I saw a Liberty Elevator van parked outside the Colony. I asked the Liberty repairman whether the former Sabbath program at the Colony could have caused a significant effect on the “wear and tear” on the elevator doors as suggested in the Board’s Termination Memo. The repairman told me that the old elevator doors that remained during the recent elevator upgrades would have needed to be replaced regardless of a Sabbath elevator program and they were the “worst doors in the industry.” I also asked whether there

were increased calls during the time when the Sabbath elevator program was running. He answered that, as far as he could recall, he was at the Colony less often during that time period.

6. On May 5, 2021, I noticed several Liberty Elevator vehicles parked outside the Colony. A staff member told me they were there for repairs that were necessary on the service elevator in the South Tower that had broken for a week. When I asked the staff member whether this had anything to do with the prior use of a Sabbath mode, the staff member responded: "no way - that's bullshit."

7. I, therefore, respectfully request that this Court grant Plaintiffs' application for a preliminary injunction.

8. I declare under penalty of perjury that the foregoing is true and correct.

Executed on June 17, 2021.


SAMUEL JOFFE